IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 33022 of 2007(F)

PETITIONER:

SOMASEKHARAN, ALUVILA PUTHU VEEDU
KOONAYIL, S.PARAVUR,KOLLAM.

BY ADV. SRI.PRAVEEN VYASAN

RESPONDENTS:
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1. JANARDHANA BHATTAR, ALUVILA VEEDU
KOONAYIL,S.PARAVUR,
KOLLAM 691 301

2. THE CIRCLE INSPECTOR OF POLICE
PARAVUR CIRCLE,S.PARAVUR KOLLAM.

BY GOVT. PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 33022 OF 2007-F

Dated 7th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner seeks protection to his life and also for the construction of a compound wall. If he does not construct the compound wall, there is no threat to his life. The petitioner seeks protection to his life as he has to construct the compound wall on the boundary of his property, which is obstructed by the 1st respondent. We feel that in the civil dispute concerning boundary between the petitioner and the 1st respondent, the police cannot be asked to interfere. But, the learned counsel for the petitioner submits that the suit filed by the 1st respondent seeking an injunction restraining the petitioner from constructing the compound wall was dismissed by the Munsiff's Court, Paravur by Ext.P1 judgment. The said decision was affirmed by the appellate courts also. We are of the view that the same will not enable the petitioner to get protection for the construction of the compound wall on his boundary, if the same is

obstructed by the 1st respondent. For that he has to move the civil court. Raising a dispute regarding the construction of a compound wall, is not a cognizable offence, in which the police can be asked to interfere. In the result the writ petition fails and it is dismissed without prejudice to the contentions of the petitioner and his right to move other forums for appropriate reliefs.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/